

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV18-09152-RGK (Ex)	Date	November 20, 2018
Title	<i>KARMA POWER, LLC v. HYTECH POWER, INC.</i>		

Present: The Honorable	R. GARY KLAUSNER, U.S. DISTRICT JUDGE		
Sharon L. Williams	Not Reported		
Deputy Clerk	Court Reporter / Recorder		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

Proceedings: (IN CHAMBERS) Order Remanding Action to State Court

On September 14, 2018, Karma Power, LLC (“Plaintiff”) filed a complaint against Hytech Power, Inc. (“Defendant”) alleging claims for 1) misappropriation of trade secrets, 2) conversion, 3) unjust enrichment, and 4) breach of contract.

On October 24, 2018, Defendant removed the action to this Court alleging jurisdiction on the grounds of diversity of citizenship. Upon review of Defendant’s Notice of Removal, the Court hereby remands the action for lack of subject matter jurisdiction.

Pursuant to 28 U.S.C. § 1332, district courts shall have original jurisdiction over any civil action in which the parties are citizens of different states and the action involves an amount in controversy that exceeds \$75,000. After a plaintiff files a case in state court, the defendant attempting to remove the case to federal court bears the burden of proving the amount in controversy requirement has been met. *Lowdermilk v. United States Bank Nat’l Ass’n*, 479 F.3d 994, 998 (9th Cir. 2007). If the complaint does not allege that the amount in controversy has been met, the removing defendant must supply this jurisdictional fact in the Notice of Removal by a preponderance of the evidence. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566-567 (9th Cir. 1992).

Plaintiff has alleged in his form complaint that the amount in controversy is over \$25,000. Defendant argues that the total value of the claims is greater than \$75,000 because the intellectual property at issue is valued at more than \$75,000. However, Defendant fails to offer any facts to support this contention. Accordingly, Defendant has failed to satisfy its burden that the amount in controversy meets the jurisdictional requirement.

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In light of the foregoing, the action is hereby **remanded** to state court for all further proceedings.

IT IS SO ORDERED.

Initials of Preparer _____ : _____
